

REMARKS

The Examiner is requested to enter the above amendment because it fully addresses the Section 112 rejections, is responsive to the art rejections, does not expand the scope of any claims, does not introduce any new issues, and places the application in better condition for allowance or appeal. If the Examiner disagrees with the arguments presented herein, the Examiner is requested to specify such reasons in the forthcoming advisory action so that applicants can take further steps to move this application to allowance.

The status of the application is as follows. Claims 13-20 and 22-26 remain in the application after amendment herein. In the outstanding Final Office Action the claims 17, 18, 22 and 23 were rejected under Section 112 but the above amendments address all bases for these rejections. It is submitted that the claims now sufficiently satisfy the requirements of Section 112.

All of the claims were finally rejected under Section 102 or under Section 103 based on Wustman (US2005/0161439) alone or in combination with Fusnocht (U.S. 3,532,591). Also, all of the claims were again provisionally rejected on grounds of obviousness-type double patenting.

Applicants acknowledge removal by the Examiner (in response to the amendment and argument filed August 3 2007) of other rejections under Section 103 over Evans (U.S. 6,544,002) in view of Dohogne (U.S. 3,546,084) and further in view of Martinou (U.S. 4,707,191) or Fusnocht. Applicants express appreciation to the Examiner for giving full consideration to the argument previously presented.

Now, applicants have further amended the claims to fully address the outstanding art rejections under Sections 102 and 103 and request that the Examiner again afford full consideration of the distinctions now presented and request allowance in view of these following remarks. Applicants also wish to thank the Examiner for carefully explaining all of the reasons for the current rejections so that applicants are able to present amendments and argument which are fully responsive.

The rejections under Sections 102 and 103 based on Wustman and Fusnocht do not apply to the amended claims for several reasons and this should result in a decision to allow the claims. First, the invention of claim 13 is now more clearly directed to subject matter not disclosed in the

references. As noted by the Examiner, the Wustman reference discloses removal of an aluminide coating, but the coating formulations disclosed by the Wustman reference (see paragraph [0014] do not include applicants' MCrAlY in which M is nickel, chromium or iron. Since applicants now expressly claim the removal of a coating having a different chemical formulation than any formulation taught or suggested by the Wustman reference, there is at least one basis which patentably distinguishes claim 13 over the prior art and removes Wustman as a reference under Section 102.

Second, applicants now further distinguish over the prior art by expressly requiring
“providing a molten salt bath formed of sodium hydroxide and
potassium hydroxide ...”

This is different from what is disclosed in the Wustman reference. That is, although Wustman indicates the “caustic may be in the form of a molten salt [Emphasis Added]” and the reference also alludes to mixtures of caustics, e.g., formed as an aqueous solution, the Wustman reference does not describe or imply applicants' process of forming a “molten salt bath” of two salts. It is only the applicants who teach formation of such a molten bath formed of both sodium hydroxide and potassium hydroxide to treat a turbine component. To further illustrate that the reference does not suggest the claimed molten bath formed of two salts, note paragraph [0053] which states that the caustic is

“usually ... present as an aqueous solution comprising from about 10% to
about 50% ... of caustic.”

This is inconsistent with a formulation formed entirely of two molten salts. To the extent Wustman is referring to mixtures, Wustman is not suggesting a molten bath of two salts. Nowhere in the Wustman disclosure is there any reference or suggestion to combine two molten salts (sodium hydroxide and potassium hydroxide) in one bath. There is no prior art for forming applicants' molten bath of sodium hydroxide and potassium hydroxide for “treating a turbine component.”

A third reason the claims should be allowed relates to the Examiner's commentary concerning possible presence of oxygen donors. The potential significance of this effect is appreciated. In response to the Examiner's observations, it is respectfully urged that the treating

step of claim 13 now further distinguishes and is non-obvious over the Wustman and Fusnocht references. As expressly recited in the claim, applicants now require

“treating the turbine component in the salt bath to facilitate removal of the bonding layer, treating including adding, in addition to any oxygen donor already intrinsically present in the molten bath, a sufficient amount of an oxygen donor to the salt bath so as to provide a predetermined and operative boost in chemical attack on the bonding layer ...[Emphasis Added]”

Previously, rejections were presented under Sections 102 and 103 because the Examiner finds it possible that water serves as an oxygen donor and because Fusnocht discloses presence of impurity level Na_2O in reagent or technical grade NaOH . While applicants respectfully disagree that water would be an oxygen donor in the context of a molten or aqueous salt bath, it does not appear necessary to further debate this point in view of the above amendment to claim 13. The claim now requires that an oxygen donor “in addition to any oxygen donor already present” is added to the molten bath. Assuming the Examiner’s contentions, concerning the presence of Na_2O in commercial grades of NaOH , are correct, then it must also be acknowledged that applicants’ disclosure and claimed invention also implicitly include the presence of Na_2O impurity in the recited step of “providing a salt bath comprising sodium hydroxide and potassium hydroxide ...” To make this clear, the recitation has been amended to expressly recite the possible presence of an oxygen donor, which as the Examiner contends, is implicitly understood to possibly be present in a salt bath.

IV. The Provisional Double Patenting Rejection

Applicants again acknowledge the provisional double patenting rejection made in this application in relation to the related, later filed, application number 11/502,487. Applicants and assignee are willing to submit a terminal disclaimer upon allowance of the claimed subject matter. However, a nonstatutory obviousness-type double patenting rejection is only applicable in an application when an earlier filed first U.S. patent application claims subject matter which is not patentably distinct from subject matter claimed in the later-filed second application.

However, the underlying rationale for this type of rejection is to prevent improper

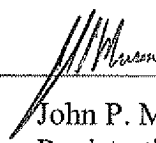
extension of the patent term and possible harassment by multiple assignees. The two applications (Ser. Nos. 11,502,487 and 10/531,219) should not be subject to an obviousness type double patenting rejection because: (1) the two applications have identical inventive entities; the two applications have the same U.S. filing dates, and the same priority dates; and the two applications are owned by the same assignee of record. Granting of patents based on each application is not seen to create an extension of any patent term or impart any harassment based on multiple assignees. For all of these reasons, the provisional rejection should be removed as inapplicable.

Conclusion

Applicants have amended the claims and provided explanation as to why the application is now in condition for allowance. For all of these reasons provided, the claims in this application are allowable over the prior art. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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